

**Regular Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, October 3, 2005
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

A videotape of the 6:00 p.m. portion of this meeting
is on file in the Office of the City Clerk.

The 4:00 p.m. portion of the meeting was recessed by Deputy City Clerk Kelly Mandic to 6:00 p.m. due to a lack of quorum.

Call to Order

Mayor Hardy called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 6:08 p.m. in the Council Chambers.

City Council/Redevelopment Agency Meeting Roll Call

Present: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
Absent: None

Pledge of Allegiance – Led by Cub Scout Pack No. 506, Den 2 Webelos

Invocation – Robert L. Jabro, Heritage Memorial Services

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication submitted by Paul Emery, Acting Director of Economic Development dated September 30, 2005 requesting the Consolidated Plan for U.S. Department of Housing and Urban Development item D-1 be rescheduled to the October 17, 2005 Council meeting.

Communication submitted by Howard Zelefsky, Planning Director dated October 3, 2005 requesting removal of two properties from the special assessment list for further evaluation.

The Following Additional Late Communications Were Submitted During the Meeting:

Communication submitted by Ken Ingram dated April 5, 1994 titled *Code Violation(s) at 501 Frankfort*, which is a copy of a letter addressed to Margaret Riley, Environmental Officer, City of Huntington Beach from Dorothy Peterson and copies of inspection reports.

PowerPoint report submitted by Topper Horack, undated and untitled, which is a group of slides depicting pipe diameters and street widths of various streets in the City.

Presentation – Mayor Hardy called on Connie Pedenko, president of the Surf City Kiwanis Club who presented \$8,000 to Rose Saylin (Director) and Janed Sax (Chairman of the Literacy Board) for the Literacy Programs of the Huntington Beach Public Library. The money was raised by the club through their Trivia Challenge held September 15, 2005. (160.40)

Presentation – Mayor Hardy called on Fire Chief Duane Olson and Emergency Services Coordinator Glorria Morrison, who received a StormReady Certificate of Recognition from the National Weather Service. The StormReady program assists communities in reviewing and improving their response plans and warning systems for severe weather conditions. The Fire Chief spoke regarding past storm conditions, recent equipment upgrades made, and grants that have been applied for. He also announced 77,000 Emergency Preparedness packets to be delivered to residents, asking for volunteers to complete the project. Volunteers should call Glorria Morrison at 714-536-5980. Jim Purpura with the National Weather Service described the StormReady program, read a letter addressed to Ms. Morrison, presented a certificate to the Mayor, and displayed a StormReady sign. Steve Sellers from the Governor's Office of Emergency Services commended the efforts made by the City and Emergency Services staff (160.40)

Presentation – Mayor Hardy called on Municipal Employees Association (MEA) Event Chair Judy Demers and Senior Services Supervisor Randy Pesqueira who presented checks for \$1,000 each to both the Council on Aging and the Huntington Beach Boys and Girls Club. (160.40)

Councilmember Green announced the marriage of Community Relations Officer Laurie Payne and the engagement of Councilmember Keith Bohr.

Public Comments

Joe Carchio, owner of Jersey Joe's, announced his restaurant's fundraiser held for Hurricane Katrina victims raised \$1,500 and he presented a check to Council. Mr. Carchio thanked Councilmembers Hansen, Coerper, and Mayor Pro Tem Sullivan for their attendance at the event. He also thanked the volunteers who donated their time.

Arash Izadi voiced his concern about illegal fireworks in his neighborhood throughout the year. He stated that fireworks could be heard between 6 p.m. and 2 a.m. every night. Mr. Izadi also stated he has reported this to the Police Department, and asked Council to address the problem and assist with a solution.

Mayor Hardy asked the previous speaker to fill out a blue card for staff to follow up.

Joan Flynn spoke regarding the 21st annual National Breast Cancer Awareness Month. She cited statistics about the disease, including that breast cancer is the most common cancer in women, aside from skin cancer, and is the second leading cause of cancer death, after lung cancer. She also spoke regarding early detection and demonstrated mammography detection rates, announcing that October 21, 2005 is National Mammography Day. Ms. Flynn asked Council and members of the audience to reach out to the women of Huntington Beach to stress the importance of early detection and treatment, and announced further information can be obtained at nbcam.org.

Steve Stafford voiced his concerns about fireworks in the area, including safety concerns. Mr. Stafford also thanked City Administrator Penny Culbreth-Graft for helping with a citizen's concerns.

Tim Geddes voiced his opinions regarding strategic planning for the City and the City's vision. He stated that the decision made on the Poseidon project is related. He asked Council to not allow others to dictate the City's vision, and to deny the Poseidon project in the interest of quality of life.

Topper Horack presented an illustration of a 48-inch pipe and gave a PowerPoint report depicting pipe diameters and various street widths in the City. He stated his opinion that construction would result in closing of streets. He referred to Attachment 15 of the Request for Council Action (RCA) pertaining to the Poseidon Environmental Impact Report (EIR) refuting the claim of no street closures and noting economic effects on businesses.

(City Council) Intergovernmental Relations Committee (IRC) – Legislative Update Given by California Assemblyman Tom Harman (640.90)

California Assemblyman Tom Harman gave an oral update on legislation including the controversy over the Surf City name. He gave an update of his Condo Conversion Bill, thanking City Attorney Jennifer McGrath and Planning Director Howard Zelefsky for their help. He updated Council on his Sand Dunes Bill and the current University of California-Riverside land swap. He also spoke regarding the Sacramento budget process and the Governor's initiatives, the VLF Gap Bill, Proposition 58, pension reform, the Live Within Our Means Measure, Ballot Initiative 76, the constitutional amendment regarding eminent domain sponsored by Senator McClintock, Special Elections called by the Governor, and Assembly Bill 1051 restricting the use of pocket bikes to private property.

Assemblyman Harman further spoke relative to Assembly Bill 1390, the statute of limitations to bring a lawsuit against a Redevelopment Agency, which may be extended to 10 years; increased availability of low/moderate income housing funding; new incentives for purchasing energy-efficient vehicles on large scale; and the time given to LAFCO to produce Sphere of Influence reports. Other pending legislation he reported on included: Senate Bill 8 which forbids Council to lobby former fellow Councilmembers for one year after leaving office; Senate Bill 719 which will grant immunity to cities from lawsuits for high speed police pursuits; Senate Bill 137 restricting foreclosures by homeowners associations (HOAs), requiring homeowners to be at least \$1,800 delinquent for at least 12 months; and Assembly Bill 1098 which forbids HOAs to have secret sessions or secret ballots. Assemblyman Harman announced further information may be obtained by visiting the Assembly or the Governor's website.

Councilmember Green asked for further clarification on the eminent domain bills. Assemblyman Harman reported that the mechanisms would not allow the public taking of private property to deliver to another private property owner; the end-user/owner of the property must be a state or local government agency.

Mayor Hardy asked for further clarification on what she referred to as small, leftover pieces of property. In a related question, Councilmember Bohr inquired about 1700 PCH being declared surplus property. Assemblyman Harman responded to both inquiries, reporting on a study regarding properties.

Councilmember Hansen thanked Assemblyman Harman for the report and asked for his rationale behind supporting McClintock's Bill, noting that tonight's agenda includes a relevant item. Assemblyman Harman stated his support based on some eminent domain abuses in the past. Councilmember Coerper thanked the Assemblyman for his efforts. Assemblyman Harman urged anyone needing assistance to call his office at 714-843-4966.

(City Council) Public Hearing Continued and Re-noticed for October 17, 2005 Meeting – The City of Huntington Beach Consolidated Plan 2005-2010 for Submittal to the U. S. Department of Housing and Urban Development (HUD) (340.70)

Mayor Hardy announced that per staff's request, this item has been pulled and will be re-noticed for the October 17, 2005 meeting.

Statement of Issue: In order to receive the City's annual entitlements from the U.S. Department of Housing and Urban Development, it is necessary every five years to conduct a public hearing and to approve a Consolidated Plan. Funding allocations for fiscal year 2005-2006 were approved by the City Council on July 18, 2005.

(City Council) Administrative Public Hearing Held – Adopted Resolution No. 2005-67, as Amended, Approving Certification of Special Assessments for Collection of Delinquent Civil Fines for Municipal Code Violations (570.60)

Mayor Hardy announced that this was the time noticed for an administrative public hearing to consider the adoption of proposed Resolution 2005-67 entitled "*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.*" The public hearing is held pursuant to California Government Code Section 38773.5 and Huntington Beach Municipal Code 1.18.150C.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

City Attorney Jennifer McGrath gave an oral report.

Mayor Hardy declared the administrative public hearing open.

Prior to announcing the public speakers, the City Clerk restated for the record the following Late Communication which pertains to this public hearing:

Communication submitted by Ken Ingram dated April 5, 1994 titled *Code Violation(s) at 501 Frankfort*, which is a copy of a letter addressed to Margaret Riley, Environmental Officer, City of Huntington Beach from Dorothy Peterson and copies of inspection reports.

Ken Ingram, fifteen year resident, stated he is having a problem with Code Enforcement regarding a bathroom in his home. He stated his opinion that the problem was taken care of in 1994 and noted permits cancelled and several citations requesting removal of the bathroom. Mr. Ingram reported on his reasons for not paying the fines, and asked Council for a compromise: To dismiss the citations.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Cook, second Bohr to adopt **Resolution No. 2005-67** entitled "*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.*" **as amended** to remove from the special assessment list for further research three residences: 8041 Ebbtide Circle, 20982 Crestview Lane, and 501 Frankfort Avenue. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

Consent Calendar – Items Approved

On motion by Cook, second Coerper Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Approved Amendment No. 1 to the Professional Services Contract between the City of Huntington Beach and Geosyntec Consultants for Environmental Consulting Services for the Pacific City Project (600.10) – 1. Approved and authorized the Mayor and City Clerk to execute the attached amendment to the agreement with GeoSyntec, Inc; and **2.** Authorized an expenditure of \$50,000. Submitted by the Fire Chief. Funding Source: Funding for this work is available in the Fire Prevention business unit professional services account (10065201.69365). As a condition of approval for the Pacific City Project, the developer, Makallon Atlanta Huntington Beach, LLC, is required to reimburse the City for all costs submitted by the third-party consultant for the soil remediation activities at the site.

(City Council) Waived Municipal Code Section 3.03.120 and Approved Amendment No. 3, a One-Year Extension of the Professional Services Contract between the City of Huntington Beach and Advocation, Inc. to Assist the City in Acquisition of State Funding for Priority Projects Within the City and Related State Legislative Issues (600.10) – 1. Approved waiving Municipal Code 3.03.120, prohibiting the extension of an agreement beyond three years; and **2.** Approved extending the contract with Advocation, Inc.; and **3.** Authorized the Mayor and City Clerk to execute Amendment No. 3 to the contract between the City and Advocation, Inc. Submitted by the Mayor/Chair on behalf of Intergovernmental Relations Committee Members Coerper and Bohr. Funding Source: Funds for the Contract have been budgeted in the 2005-06 fiscal year budget in the General Fund Administration's Account #10030201.69365. The total cost for this contract amendment is not to exceed \$67,200.

(City Council) Approved Acceptance of Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant Award for Wildland Firefighting Equipment (340.70) – Approved and authorized City staff to accept the FEMA Assistance to Firefighters Grant award and expend matching funds. Submitted by the Fire Chief. Funding Source: The FEMA grant amount is \$77,932 and requires a matching amount of \$19,483. Funding for the matching amount is available in City's Equipment Replacement Fund, account 10065203.83700.

(City Council) Approved Amendment No. 1, a One-Year Extension of the Professional Services Contract between the City of Huntington Beach and Municipal Software Corporation for the City-Wide Permit System (600.10) – 1. Approved Amendment No. 1 of the Municipal Software Corporation agreement. **2.** Authorized the Mayor and City Clerk to execute the amendment for the professional services contract entitled *Amendment No. 1 to Agreement Between The City of Huntington Beach and Municipal Software Corporation for Software Design & Implementation Services*. Submitted by the Building and Safety Director. Funding Source: Not Applicable.

(City Council) Approved Agreement With Selectron Technologies, Inc. for the Interactive Voice Response System (IVR) for the City-Wide Permit System (600.10) 1. Approved the reallocation of \$22,200 to the Building & Safety Department operating account number 10055101.69365; and 2. Approved and authorized the Mayor and City Clerk to execute the *Professional Services Agreement Between the City of Huntington Beach and Selectron Technologies, Inc.* in the amount of \$22,200 to complete the final components of the interactive voice response system. Submitted by the Building and Safety Director. Funding Source: The funding source for this contract will be an outstanding encumbrance in the same amount (\$22,200) currently encumbered to Selectron Technologies (the same vendor.) The council action merely re-encumbers the funds encumbered under the expired contract into the new contract.

(City Council) Approved City Council Position on Legislation Pending Before the Federal, State, or Regional Governments – Recommendations Made by the City Council Intergovernmental Relations Committee (IRC) (640.90)

The City Council considered a communication from Mayor Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Keith Bohr transmitting the following **Statement of Issue**: Approve a City Council position as recommended by the City Council Intergovernmental Relations Committee on legislation pending before a federal, state or regional government, and authorize the Mayor to communicate the City's position to the elected members of the federal or state legislature, or regional body.

A motion was made by Hansen, second Cook to approve the City Council Intergovernmental Relations Committee recommendation to:

1. **SUPPORT AB 178 (Koretz)** – California Cigarette Fire Safety & Firefighters Protection Act as amended on 8/31/05 and enrolled to the Governor on 9/18/05; and
2. **SUPPORT** – Application of three SCAQMD Fleet Rules to both public and private fleets of 15 or more vehicles.

The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
 NOES: None
 ABSENT: None

Councilmember Hansen stated his reasons for supporting SCA 15 (McClintock & Florez) and ACA 22 (La Malfa) including abuses by government of private citizens and their property.

Councilmember Bohr stated his reasons for opposing SCA 15 and ACA 22, including what he stated is a lack of eminent domain abuse in Huntington Beach.

Councilmember Cook stated her support for SCA 15 and ACA 22, citing what she perceives as instances of eminent domain abuse in the City.

Councilmember Coerper and Mayor Pro Tem Sullivan stated their support for SCA 15 and ACA 22, citing other examples of perceived eminent domain abuses.

Councilmember Bohr spoke regarding fair market value paid to property owners.

Mayor Hardy stated her reasons for opposing SCA 15 and ACA 22, including her opinion that the legislation is too restrictive.

A motion was made by Hansen, second Green to **SUPPORT SCA 15 (McClintock & Florez) as amended on 8/23/05 and ACA 22 (La Malfa) as introduced** – Restricting local governments' use of eminent domain. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Green, Cook
NOES: Hardy, Bohr
ABSENT: None

Regarding the letter of support for the Southern California Association of Governments' application for a California Regional Blueprint Planning Grant, Mayor Pro Tem Sullivan asked for clarification on the 2% strategy. Councilmember Cook reported, stating that the strategy allows the City to rezone for building housing, infill projects and offers more flexibility to City. Councilmember Green asked for further clarification, and Deputy City Administrator Paul Emery reported regarding the grant support letter request received from the Southern California Association of Governments (SCAG).

Councilmember Green stated her reasons for opposing the letter, including what she stated is a lack of information. Councilmember Coerper responded, reporting in support of SCAG's request.

Mayor Pro Tem Sullivan stated his opposition to the letter.

Councilmember Cook spoke regarding the need for and the requirement to provide affordable housing in the City.

A motion was made by Coerper, second Cook to **authorize the Mayor to send a letter of support for the Southern California Association of Governments' application for a California Regional Blueprint Planning Grant**. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Hardy, Bohr, Cook
NOES: Sullivan, Green
ABSENT: None

(City Council) Discussion of Bolsa Chica Mesa Annexation (120.25)

The City Council considered a communication from Mayor Pro Tem Dave Sullivan transmitting the following **Statement of Issue**: The subject of the Bolsa Chica has been a preeminent issue for over twenty years. It is very important that the community's input be heard in the annexation decision.

Mayor Pro Tem Sullivan reported orally, asking the City Attorney if an Ad Hoc Committee would need to notice meetings, and how it could affect the negotiation process. City Attorney Jennifer McGrath reported on requirements of different types of Ad Hoc committee meetings and the Brown Act. Mayor Pro Tem Sullivan clarified that his intent is not for a committee to participate in negotiations – only that they give advice to staff during the negotiation process.

Councilmember Green voiced her concerns about forming such a committee. Councilmember Bohr also stated concerns, and his lack of support for the recommended action. Councilmember Hansen concurred with the comments of Councilmembers Green and Bohr.

Councilmember Coerper inquired about formation of committees for other issues, and of staff assigned to certain projects. City Administrator Penny Culbreth-Graft reported. Councilmember Coerper stated his opposition to the recommended action.

Mayor Hardy stated her concerns with diminished negotiating power if the committee is formed.

Councilmember Cook spoke regarding instances of subcommittee success, stating it occurred when Council was in agreement on an item.

Mayor Pro Tem Sullivan commented on earlier statements, asserting that Council involvement in some recent negotiations would have been beneficial. He asked staff to keep Council informed of major points of movement in negotiations. City Administrator Culbreth-Graft acknowledged the direction to staff. No motion was made on the item.

(City Council) Councilmember Coerper reported on Events Attended, Called on Fire Chief to Report on Efforts with Topanga Canyon Fire (120.85)

Councilmember Gil Coerper reported that he had attended the Brunch for the Arts, the Coastkeepers' dinner with speaker Gary Brown, and an Eagle Scout Court of Honor for award recipient Maxwell Mariana. He also asked the Fire Chief to announce local efforts made to assist with the Topanga Canyon fire, and Fire Chief Duane Olson reported.

(City Council) Mayor Pro Tem Sullivan Commended the Fire Department, Police Department, and Citizen Volunteers (120.85)

Mayor Pro Tem Dave Sullivan congratulated the Fire Department on the Emergency Awareness packet that has been distributed to citizens. He commended the Fire and Police Departments for their efforts, as well as the citizen volunteers.

(City Council) Councilmember Green Congratulated CERT Graduates (120.85)

Councilmember Cathy Green congratulated the new Citizens' Emergency Response Team (CERT) graduates, stating this is the largest graduating class ever.

(City Council) Mayor Hardy Announced Eagle Scout Award, Ribbon Cutting for Huntington Beach Target (120.85)

Mayor Jill Hardy announced her attendance at the presentation of an Eagle Scout award and that the ribbon cutting for the Huntington Beach Target is to be held October 4, 2005, at 6 p.m.

Motion to Recess to Closed Session – Approved

A motion was made by Sullivan, second Coerper to recess to Closed Session on the following items. The motion carried by consensus of all present, none absent.

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Chuck Thomas, Acting Deputy City Administrator, Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organization: **SCLEA**. Subject: **Labor Relations – Meet & Confer**. (120.80)

(City Council) Closed Session - Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **City Administrator's Evaluation** (120.80)

Reconvene City Council/Redevelopment Agency Meeting – 9:21 p.m. – Council Chambers

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B).

Adjournment – City Council/Redevelopment Agency

Mayor Hardy adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 9:23 p.m. to a special meeting on Tuesday, October 4, 2005, at 7:00 p.m., in the Council Chambers, 2000 Main Street Huntington Beach, California.

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chair